



# City of Keller

## City Council

### Meeting Minutes

Keller Town Hall  
1100 Bear Creek Parkway  
Keller, TX 76248  
817-743-4000  
www.cityofkeller.com

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Tuesday, August 7, 2018

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#### PRE-COUNCIL MEETING 4:00 P.M.

#### A. CALL TO ORDER

Mayor Pat McGrail called the Pre-Council Meeting to order at 4:05 P.M.

The following City Council Members were present:

Mayor Pat McGrail

Mayor Pro Tem Ed Speakmon

Council Member Mitch Holmes

Council Member Sean Hicks

Council Member Eric Schmidt

Council Member Chris Whatley

Council Member Tag Green

The following City staff members were present: City Manager Mark Hafner, City Attorney Stan Lowry, City Secretary Kelly Ballard, Director of Community Services Cody Maberry, Director of Administrative Services Aaron Rector, Director of Public Services Trina Zais, Director of Public Works Alonzo Linan, Director of Community Development Susan Kinney, Director of Human Resources Kandace Tappen, Director of Information Technology Sean Vreeland, Police Chief Mike Wilson, and Fire Chief David Jones.

#### B. WORK SESSION

1. Receive a summary of public input, findings, goals and objectives, and preliminary FLUP Update and provide input as needed.

Ms. Wendy Shabay, Freese and Nichols, Inc., gave a presentation relating to the Future Land Use Plan Update - public input, findings, goals and objectives, preliminary map, and next steps.

Discussion was held by the City Council.

#### C. DISCUSS AND REVIEW AGENDA ITEMS

The City Council discussed and reviewed the agenda items.

#### D. EXECUTIVE SESSION

Mayor Pat McGrail adjourned the meeting to Executive Session during the Pre-Council Meeting for the following purposes allowed in Chapter 551 of the Texas Government Code:

1. Section 551.087, Texas Government Code - Deliberation Regarding Economic Development Negotiations.

(1) To discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or

(2) To deliberate the offer of a financial or other incentive to a business prospect described by Subdivision.

2. Section 551.071, Texas Government Code - Consultation with attorney to seek advice about pending or contemplated litigation or a settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

a. Johnson Road Coalition, LLC vs. David Hawkins, Planning Manager and City of Keller.

3. Adjourn into Open Meeting.
4. Action on Executive Session Items 1 and 2 if necessary.

No action was taken.

## **E. WORK SESSION**

1. Budget Strategic Planning - Tax and Proposed Budget Update

Director of Administrative Services Aaron Rector gave a presentation relating to property taxes.

## **F. ADJOURN**

### **REGULAR MEETING 7:00 P.M.**

#### **A. CALL TO ORDER**

Mayor Pat McGrail called the Council Meeting to Order at 7:09 P.M.

#### **B. INVOCATION**

Mr. Mike Banas, Milestone Church, and Mr. David Bream, Hillside Community Church, gave the invocations.

### C. PLEDGE OF ALLEGIANCE

Mayor Pat McGrail led the pledges to the United States and Texas Flags.

1. Pledge to the United States Flag
2. Pledge to the Texas Flag - "Honor the Texas Flag: I pledge allegiance to Thee, Texas, one State under God, one and indivisible."

### D. PRESENTATIONS - None

### E. PERSONS TO BE HEARD

This is a time for the public to address the City Council on any subject. However, the Texas Open Meetings Act prohibits the City Council from discussing issues which the public has not been given seventy-two (72) hours' notice. Issues raised may be referred to City Staff for research and possible future action.

No public comments were received.

### F. CONSENT

A motion was made by Mayor Pro Tem Ed Speakmon, seconded by Council Member Eric Schmidt, to approve the Consent Agenda. The motion carried by the following vote:

**AYE:** 5 - Mayor Pat McGrail, Council Member Eric Schmidt, Council Member Mitch Holmes, Council Member Sean Hicks, and Mayor Pro Tem Ed Speakmon

**NAY:** 2 - Council Member Chris Whatley, and Council Member Tag Green

1. Consider approval of the Minutes of the Tuesday, July 17, 2018 Regular City Council Meeting.
2. **Consider a resolution appointing City Council Members to serve on various Boards and Committees.**

**Resolution No. 4021 (5-2)**

3. Consider a resolution approving an Agreement with Freese and Nichols, Inc., of Fort Worth, Texas, to provide Professional Services relating Phase I of the Utility Master Plan Updates and System Assessments Project, for the Public Works Department; and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.

**Resolution No. 4022 (5-2)**

### G. OLD BUSINESS - None

### H. NEW BUSINESS

1. Consider a resolution approving a Site Plan for a Jason's Deli, a 4,939 square-foot restaurant with drive-thru, to anchor a single story 9,000 square-foot strip retail building, located on a 1.58-acre lot, on the south side of Keller Parkway (FM1709), approximately four hundred seventy feet (470') west of the Keller Smithfield South and Keller Parkway (FM1709) intersection, being Lot 3, Block E, Keller Town Center Addition, at 1400 Keller Parkway (FM1709), and zoned TC (Town Center).

Community Development Director Susan Kenney gave a presentation relating to a Site Plan for a Jason's Deli, a 4,939 square-foot restaurant with drive-thru at 1400 Keller Parkway.

Mr. Kevin Macintosh, developer, addressed the City Council regarding the proposal.

Discussion was held by the City Council.

**A motion was made by Council Member Tag Green, seconded by Mayor Pro Tem Ed Speakmon, to approve Resolution No. 4023 approving a Site Plan for a Jason's Deli, a 4,939 square-foot restaurant with drive-thru, to anchor a single story 9,000 square-foot strip retail building, located on a 1.58-acre lot, on the south side of Keller Parkway (FM1709), approximately four hundred seventy feet (470') west of the Keller Smithfield South and Keller Parkway (FM1709) intersection, being Lot 3, Block E, Keller Town Center Addition, at 1400 Keller Parkway (FM1709), and zoned TC (Town Center) with the following conditions:**

1. **A variance to allow a flat roof design in lieu of the pitched roof shall be allowed.**
2. **A variance to allow the building exterior to be less than 75% brick, stone, or cast stone shall be allowed.**
3. **A variance to allow a three foot (3') foundation planting on a portion of the west elevation shall be allowed.**
4. **A variance to allow a ten foot (10') landscape buffer on the west property line in place of the thirty foot (30') landscape buffer shall be allowed.**
5. **A variance to allow the parking spaces to be eighteen feet (18') in length, in lieu of the required twenty feet (20') shall be allowed.**
6. **Allow a special exception to the sign code requesting to use up to 80% of the allowed (200) square feet in total on the north building elevation sign and/or the east building elevation sign for Jason's Deli.**
7. **Allow a special exception to the sign code requesting an illuminated movement control sign to be 7.68 square feet and lettering to be fourteen inches (14") in height for Jason's Deli.**

**The motion carried unanimously.**

2. Consider and take action on an ordinance calling a bond election for a new senior activity center at Johnson Road Park; providing for the conduct and the giving of notice of said election; and containing provisions necessary and incidental to the purposes hereof.

Director of Community Services Cody Maberry gave a presentation relating to bond election to be held on November 6, 2018 for a new senior activity center at Johnson Road Park in an amount not to exceed \$8.0 million dollars and not requiring a tax rate increase.

Discussion was held by the City Council.

**A motion was made by Mayor Pat McGrail, seconded by Council Member Eric Schmidt, to approve Ordinance No. 1896 calling a bond election for a new senior activity center at Johnson Road Park; providing for the conduct and the giving of notice of said election; and containing provisions necessary and incidental to the purposes hereof. The motion carried by the following vote:**

**AYE:** 6 - Mayor Pat McGrail, Council Member Eric Schmidt, Council Member Chris Whatley, Council Member Tag Green, Council Member Mitch Holmes, and Mayor Pro Tem Ed Speakmon

**NAY:** 1 - Council Member Sean Hicks

**I. DISCUSSION – None****J. EXECUTIVE SESSION**

Executive Session was not held during the Regular Meeting.

1. **Section 551.087, Texas Government Code - Deliberation Regarding Economic Development Negotiations.**

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**(2) To deliberate the offer of a financial or other incentive to a business prospect described by Subdivision.**

2. Section 551.071, Texas Government Code - Consultation with attorney to seek advice about pending or contemplated litigation or a settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.
  - a. Johnson Road Coalition, LLC vs. David Hawkins, Planning Manager and City of Keller.
3. Adjourn into Open Meeting.
4. Action on Executive Session Items 1 and 2 if necessary.

**ADJOURN**

A motion was made by Council Member Eric Schmidt, seconded by Council Member Chris Whatley, to adjourn the meeting at 8:40 P.M. The motion carried unanimously.

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Mayor

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City Secretary